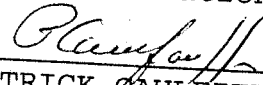


JUN 16 2010

Patrick Caulfield, Jr., PLS
Complaint #09-27

ACKNOWLEDGMENT: I, Patrick Caulfield, P.L.S., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct which has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record and that this letter is a public document. I hereby agree to a formal reprimand, immediate payment of a civil penalty of \$2,000.00 and costs of \$410.50 in connection with the above violations.


PATRICK CAULFIELD, P.L.S.

Dated: 6/9/10



CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Professional Engineers and Land Surveyors
124 Halsey Street, 3rd Floor, Newark, NJ 07102
www.njconsumeraffairs.gov



PAULA T. DOW
Attorney General

SHARON M. JOYCE
Acting Director

May 24, 2010

Certified and Regular Mail

Patrick Caulfield, PLS
Caulfield Associates, LLP
132 Madison Street
Hoboken, NJ 07030

Mailing Address:
P.O. Box 45015
Newark, NJ 07101
(973) 504-6460
(973) 273-8020 FAX

RE: I/M/O Patrick Caulfield, P.L.S.
Complaint No. 09-27

Offer of Settlement In Lieu of Filing a Formal Disciplinary Complaint

Dear Mr. Caulfield:

This letter is to advise you that the New Jersey State Board of Professional Engineers and Land Surveyors (hereinafter the "Board") has had an opportunity to review information concerning your professional conduct in connection with your survey dated June 28, 2006, revised July 5, 2006 for property located in Hoboken, New Jersey.

By way of background, testimony and evidence reveal that an initial survey of the property was prepared by your father, P.L. Caulfield, in 1947 which depicted a 2-story brick building. Thereafter, you prepared a survey of the property dated February 8, 1974 which depicted the same 2-story brick building, but with a 1-story masonry addition. This survey properly identified the two buildings with a line drawn between them to accurately identify the different heights.

Thereafter, on March 26, 2004 you prepared a survey of the property which again depicted the 2-story brick building with a 1-story masonry addition with a line drawn between them. Your survey dated June 28, 2006 identified these buildings consistent with your two prior surveys. However, you testified that at the request of your client, you revised your June 28, 2006 survey on July 5, 2006 to show the 2-story brick building and depict the 1-story masonry addition as 2 story despite the fact that the conditions had not changed. Additionally, your surveys reflect random "ok" notations, but do not provide a legend to indicate the meaning of those notations.

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Upon review of all available information, the Board has preliminarily found that probable cause exists to support a finding that you are in violation of:

1. N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(a) and (c) in that you failed to render a complete and accurate survey. More specifically, your survey of June 28, 2006, revised July 5, 2006, did not accurately reflect the existing conditions of a 2-story building with a 1-story masonry addition.
2. N.J.S.A. 45:1-21(h), N.J.A.C. 13:40-5.1(f)(3) in that you failed to show the North Arrow with reference used and N.J.A.C. 13:40-5.1(f)(9) in that you failed to: (a) show dimensions identifying the location of buildings; and (b) show two easements, one in connection with an encroachment at the second floor exit and stairs which was created by a recorded agreement, and the second permits the wall to be 4" over the line which was recorded in a Deed of Easement.

As a result of the foregoing, the Board has preliminarily determined that the above violations are sufficient to warrant the initiation of formal proceedings against you. Notwithstanding that decision, the Board has determined that it will first offer you an opportunity to settle this matter in an attempt to avoid the initiation of more formal proceedings if you consent to the following terms:

1. Agree to a formal reprimand upon your signing of the acknowledgment at the bottom of this letter in connection with the above violations.
2. Payment of a civil penalty totaling **\$1,000.00** to be paid **immediately** upon your signing of the acknowledgment at the bottom of this letter in connection with your violation of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:40-5.1(a) and ©.

Patrick Caulfield, Jr., PLS
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3. Payment of a civil penalty totaling **\$1,000.00** to be paid **immediately** upon your signing of the acknowledgment at the bottom of this letter in connection with your violation of N.J.S.A. 45:1-21(h), N.J.A.C. 13:40-5.1(f)(3) and N.J.A.C. 13:40-5.1(f)(9).
4. Payment of investigative costs in the amount of **\$410.50** to be paid **immediately** upon your signing of the acknowledgment at the bottom of this letter.

In making a determination, you should know that pursuant to N.J.S.A. 45:1-25 any person who engages in conduct which is in violation of any provision of the statutes and regulations administered by the Board shall, in addition to any other sanctions provided by statute, be liable for a civil penalty of not more than \$10,000.00 for the first violation and not more than \$20,000.00 for the second and each subsequent violation. However, in an effort to resolve this matter amicably, the Board offers to settle on the terms stated above. If you are willing to resolve this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter and returning it to the Board office within 15 days. In such event, this letter shall be a matter of public record.


In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of formal proceedings. In such event, you will be afforded an opportunity to defend against the alleged violations. You are advised, however, that in the event formal charges are filed, you may be assessed civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts herein or any additional facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Michelle Albertson, who may be reached at (973) 648-2975.

Patrick Caulfield, Jr., PLS
Complaint #09-27

If you elect to settle this matter, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer shall be considered withdrawn and the matter will be referred to the Attorney General's Office for the initiation of formal proceedings.

NEW JERSEY STATE BOARD OF PROFESSIONAL
ENGINEERS AND LAND SURVEYORS

By: _____



ARTHUR RUSSO
Executive Director

cc: B. Michelle Albertson,
Deputy Attorney General